IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.44842 of 2008
BIRENDRA PANDEY S/O LATE RAMANDANDAN PANDEY, R/O VILLAGE- BMP-6 ROAD, MALIGHAT, P.S. MITHANPURA, P.O. RAUNA, DISTRICT-MUZAFFARPUR

Versus

STATE OF BIHAR

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2 03/12/2008 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is an accused of a case which has been registered under sections 406 and 409 of the Indian Penal Code.

The petitioner was entrusted with Rs. 3,96,000/- for distributing it among the flood affected peasants. Allegation is that the amount was not distributed.

Learned counsel for the petitioner submits that he is ready to deposit the alleged misappropriated amount before the Registrar, Civil Court, Vaishali by way of Kishan Vikash Patra/National Savings Certificate/Fixed Deposit subject to the decision of the case.

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Considering the above facts, the petitioner Birendra Pandey is directed to be released on bail after depositing the alleged misappropriated amount of Rs. 3,96,000/- before the Registrar, Civil Court, Vaishali at Hajipur by way of Kishan Vikash Patra/National Savings Certificate/Fixed Deposit, on furnishing of bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Vaishali at Hajipur in connection with Goraul P.S. Case No. 64 of 2008.

However, it is made clear that the amount deposited by the petitioner shall be the subject to the decision of the case and if the

petitioner succeeds in the case then the amount shall be withdrawn by him from the civil court itself and if the conviction is passed then the amount shall be deposited in the District Nazarat.

Avin **(Shyam Kishore Sharma, J.)**

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